

Message Text

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PAGE 01 STATE 105512

15

ORIGIN IO-13

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H-02 INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02

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DRAFTED BY IO/HR:WEHEWITT:BKM

APPROVED BY IO:JABAKER

EUR/NE:PCANNEY

L/HR:CRUNYON

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FM SECSTATE WASHDC

TO USMISSION USUN NEW YORK

INFO AMEMBASSY STOCKHOLM

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E.O. 11652: N/A

TAGS: UN, SHUM, SW

SUBJECT: SWEDISH PROPOSAL ON POLITICAL PRISONERS

REF: (A) STATE 90919 (B) USUN 1606

1. ON APRIL 28 DEPUTY ASSISTANT SECRETARY BAKER (IO) DISCUSSED WITH MINISTER ECKERBERG OF SWEDISH EMBASSY U.S. REACTION TO PROPOSED SWEDISH INITIATIVE ON POLITICAL PRISONERS, AS REPORTED REF. (A). BAKER INFORMED ECKERBERG THAT U.S. FAVORED INITIATIVE BASED UPON GENERAL LINES OF SWEDISH DRAFT RESOLUTION. WE ASSUMED THAT SWEDES WOULD PURSUE CONSULTATIONS WITH A VIEW TO LINING UP SUPPORT FOR DRAFT RESOLUTION AT 31ST UNGA. BAKER EXPRESSED HOPE THAT SWEDES WOULD KEEP IN TOUCH WITH US ON RESULTS OF THEIR CONSULTATIONS AND THAT OUR TWO GOVERNMENTS COULD CONSULT FURTHER ON TACTICS AT A TIME CLOSER TO OPENING OF 31ST GA.

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PAGE 02 STATE 105512

IN PARTICULAR, WE HOPE TO RETAIN THE OPTION OF CO-SPONSOR-

ING THE DRAFT RESOLUTION. BAKER NOTED THAT CONSIDERATION OF U.S. DRAFT RESOLUTION ON POLITICAL PRISONERS AT NEXT SESSION OF UN HUMAN RIGHTS COMMISSION WILL OBVIOUSLY HAVE TO TAKE ACCOUNT OF ANY ACTION WHICH THE 31ST UNGA MAY TAKE ON THE SUBJECT.

2. COMMENTING ON SWEDISH DRAFT RESOLUTION, BAKER NOTED

THAT TEXT COULD BE IMPROVED TO: (A) REMOVE IMPLICATION THAT FREE EXPRESSION OR BELIEF, AS PROTECTED BY THE UNIVERSAL DECLARATION OF HUMAN RIGHTS, COULD BE MADE CRIMINAL OFFENSE, (B) CLARIFY THAT ALL DETAINED PERSONS SHOULD PROMPTLY BE CHARGED AND INFORMED OF THE CHARGES AND THAT HOLDING OF PRISONERS WITHOUT CHARGES IS NOT TO BE CONDONED, AND (C) CONVEY A SHARPER FOCUS ON AMNESTY. BAKER HANDED TO ECKERBERG SUGGESTED RE-DRAFTS OF FINAL PREAMBULAR AND FIRST AND THIRD OPERATIVE PARAGRAPHS OF SWEDISH RESOLUTION. REVISED TEXTS AS FOLLOWS:

FINAL PREAMBULAR PARAGRAPH: RECALLING ALSO ARTICLES 10 AND 11 OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND ARTICLES 14 AND 15 OF THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS WHICH PROVIDE INTER ALIA THAT ALL PERSONS ARE ENTITLED TO A FAIR AND PUBLIC HEARING BY AN INDEPENDENT AND IMPARTIAL TRIBUNAL IN THE DETERMINATION OF ANY CRIMINAL CHARGE AGAINST THEM;

FIRST OPERATIVE PARAGRAPH: 1. REQUESTS ALL GOVERNMENTS TO TAKE EFFECTIVE MEASURES TO SAFEGUARD THE HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS OF ALL PERSONS WHO ARE DETAINED IN RESPECT OF THEIR POLITICAL OR OTHER OPINIONS OR CONVICTIONS, WHETHER OR NOT IN CONNECTION WITH POSSIBLE OFFENSES UNDER NATIONAL LAW;

THIRD OPERATIVE PARAGRAPH: 3. REQUESTS ALL GOVERNMENTS ALSO TO ENSURE THAT SUCH PRISONERS RECEIVE A FAIR HEARING BY AN INDEPENDENT AND IMPARTIAL TRIBUNAL IN THE DETERMINATION OF ANY CRIMINAL CHARGE AGAINST THEM, AND TO ENSURE THAT NATIONAL LAW DOES NOT TREAT AS OFFENSES THE HOLDING OR EXPRESSION OF POLITICAL OR OTHER OPINIONS WHEN LIMITED OFFICIAL USE

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PAGE 03 STATE 105512

SUCH TREATMENT IS INCONSISTENT WITH PROVISIONS OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS.

3. ECKERBERG EXPRESSED APPRECIATION FOR OUR RESPONSE AND PROMISED TO CONVEY OUR OBSERVATIONS TO HIS GOVERNMENT.

4. PRESUMABLY SWEDISH UN MISSION WILL BE FOCAL POINT FOR CONSULTATIONS. WOULD APPRECIATE REGULAR REPORTING

THIS SUBJECT BY USUN. SISCO

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